

Prob 12B

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION  
WITH CONSENT OF THE OFFENDER**

*(Probation Form 49, Waiver of Hearing, is on file)*

**Offender Name:** NICK VELARDE

**Docket Number:** 1:02CR05241-02 REC

**Offender Address:** El Monte, California

**Judicial Officer:** Honorable Oliver W. Wanger  
Senior United States District Judge  
Fresno, California

**Original Sentence Date:** September 23, 2003

**Original Offense:** 21 USC 843(b), Use of a Communication Facility in Connection With a Drug Offense- 2 counts  
(CLASS E FELONIES)

**Original Sentence:** 48 months Bureau of Prisons each; 12 months supervised release;\$100 special assessment-each count, mandatory drug testing

**Special Conditions:** 1) Search; 2) Alcohol and Drug Treatment; 3) Alcohol and Drug Testing; 4) No paging device or cellular phone; 5) Drug Offender Registration.

**Type of Supervision:** Supervised Release

**Supervision Commenced:** June 5, 2009 (Projected)

**Assistant U.S. Attorney:** Kevin P. Rooney **Telephone:** (559) 497-4000

**Defense Attorney:** Anthony P. Capozzi **Telephone:** (559) 221-0200

**Other Court Action:** None

**RE: NICK VELARDE**  
**Docket Number: 1:02CR05241-02 REC**  
**PETITION TO MODIFY THE CONDITIONS OR TERM**  
**OF SUPERVISION WITH CONSENT OF THE OFFENDER**

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**PETITIONING THE COURT**

**To modify the conditions of supervision as follows:**

**The defendant shall submit to one drug test within 15 days of release on supervised release and at least two periodic drug tests thereafter, not to exceed four (4) tests per month, as directed by the probation officer pursuant to 18 USC 3583(d).**

**Justification:** The United States Probation Office in the Central District of California (CD/CA) has accepted supervision of this offender's case, though not jurisdiction. Based on their review of the case, officials with the CD/CA probation office are requesting that the above-referenced condition be added to the offender's supervised release conditions. It is noted that the offender has acknowledged his willingness to modify his conditions by signing a Waiver of Hearing Modify Conditions of Supervised Release form, which is attached for the Court's review.

**RE: NICK VELARDE**  
**Docket Number: 1:02CR05241-02 REC**  
**PETITION TO MODIFY THE CONDITIONS OR TERM**  
**OF SUPERVISION WITH CONSENT OF THE OFFENDER**

Respectfully submitted,

/s/ Leighann L. Milford

**Leighann L. Milford**  
**Senior United States Probation Officer**  
Telephone: (559) 499-5724

**DATED:** January 15, 2009  
Fresno, California  
LLM

**REVIEWED BY:** /s/ Hubert J. Alvarez  
**Hubert J. Alvarez**  
**Supervising United States Probation Officer**

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**THE COURT ORDERS:**

( X ) Modification approved as recommended.  
( ) Modification not approved at this time. Probation Officer to contact Court.  
( ) Other:

IT IS SO ORDERED.

**Dated: January 16, 2009** /s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE